

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.467 OF 2019

(Mrs.Neeta w/o. Amrut Chawdagor and another .vs. State, through its Secretary, Deptt. of Home, Mantralaya, Mumbai and Others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

**CORAM : SUNIL B. SHUKRE &
AVINASH G. GHAROTE, JJ.**

DATE : 23.2.2021.

1. Heard Mr.R.R.Vyas, learned Counsel for the petitioners and Mr.S.M.Ghodeswar, learned Additional Public Prosecutor for respondent nos. 1 to 3.

2. By this petition, a direction has been sought from this Court that the respondent no.3, Police Inspector of Crime Branch, be called upon to explain as to why complaint dt.24.8.2016 shall not be taken to its logical end as per guidelines laid down by the Supreme Court in the case of **Lalita Kumari vs. Government of Uttar Pradesh and Others** reported in (2014) 2 SCC 1.

3. In fact, this prayer, in our opinion, stands answered by the communication dated 13.2.2018 addressed to respondent no.4 by the concerned Investigating Officer. It says that as the complainant failed to produce before the Investigating Officer Audit Report, in spite of giving ample opportunity to him, the Investigating Officer, had come to the conclusion that no

cognizable offence was committed by the petitioners and therefore, pre-registration of offence inquiry that was started, was closed by the Investigating Officer.

4. The afore-stated communication shows that before registration of the offences after receipt of the complaint from respondent no.4, the Investigating Officer was cautious and therefore, he initiated inquiry to know as to whether or not there was any prima facie substance in the allegations made in the complaint. Such exercise by the Investigating Officer was made only with a view to protect innocent persons from being harassed and prevent complainant from prosecuting any personal agenda against the persons named in the complaint as accused. This purpose of the inquiry has been achieved in the present case and the Investigating Officer has found that because the complainant did not co-operate in the inquiry, he found no substance in the allegations made in the complaint against the petitioners and accordingly, he closed the inquiry and consequently, no offence whatsoever was registered against the petitioners.

5. Now the question would be whether any direction could be issued to the Investigating Officer for proceeding against the petitioners in terms of law laid down by the Supreme Court in the case of Lalita Kumari (supra). In our view, the answer has to be given in the negative for the reason that, in the present case, the

Investigating Officer could not come to any conclusion regarding truthfulness or falsehood of the complaint that came against the petitioners. It is not the case that, in every matter, the Investigating Officer must reach to the conclusion about truthfulness or falsehood of the allegations made in the complaint. There could be situation where the Investigating Officer is neither able to state that the allegations are true nor could say that the allegations are false and some grey area in such a case would always remain there. It is for these reasons the Final Reports of the investigation, which are to be filed by the Investigating Officer, have been categorised in the Police Manual as 'A' summary report, 'B' summary report and 'C' summary report.

6. In the circumstances, we find that no interference in this case is required. The petition is, therefore, dismissed.

JUDGE

JUDGE

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